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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

JUN 30 1994

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
Administration of the) CC Docket No. 92-237
of North American Numbering Plan)

REPLY COMMENTS OF THE
NATIONAL TELEPHONE COOPERATIVE ASSOCIATION

The National Telephone Cooperative Association ("NTCA") submits this reply to Comments filed in this proceeding on June 7, 1994. NTCA is a national association of approximately 500 small and rural local exchange carriers ("LECs") providing telecommunications services to subscribers and interexchange carriers ("IXCs") throughout rural America. NTCA members provide both wireline and wireless services and have a direct interest in the efficient and fair administration of the North American Numbering Plan ("NANP").

DISCUSSION

NTCA's comments are limited to Phase One of the docket which relates to the appropriate entity to assume the four functions involved in administration of the NANP. The Commission identifies these functions as policy-making, dispute-resolution, maintenance of number databases, and processing applications for numbers. The Commission tentatively concludes that NANP administrative functions would be best performed by a single, non-government entity established by the Commission and subject to its oversight. It states that this entity would be guided by,

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but separate from the Commission, and not closely identified with any particular industry segment.¹ It requests comment on its tentative conclusions and on the parameters for defining the mission, management, structure, functions, personnel, and capabilities of a new NANP administrator.

NTCA does not agree that a single entity is best suited to perform the four functions the Commission identifies. Functions may be best performed by different entities. It suggests that the Commission utilize an advisory committee or committees to assist it in the policy-making and dispute-resolution functions of NANP administration and another entity or entities to perform the more ministerial functions associated with number the administration of scarce number resources. Utilization of advisory committees under the procedures authorized by the Federal Advisory Committee Act ("FACA") will ensure impartiality and balanced participation in the process.² These important factors are built into the procedures required under the FACA and will satisfy the Commission's concern for impartial administration. The use of FACA will also ensure that the Commission retains important policy oversight authority sufficient for it to formulate rules and/or guidelines for distributing scarce number resources and resolving disputes related to these resources. NTCA believes that procedures should not restrict the Commission's ability to leave to industry

¹ Notice of Proposed Rulemaking, ¶ 18.

² 5 U.S.C. appx. § 1-15.

standards committees those NANP administration decisions that are either more properly of the type that industry can make or that can be arrived at through consensus. An advisory committee or committees with representation from a cross section of the interested public will be well positioned to assist the Commission in determining those aspects of NANP administration that can be left to industry fora.

The Commission should make the elimination of bureaucracy and cumbersome regulatory procedures a goal of the FACA process. Commission resources and a new layer of regulation should not be set up but the Commission will need to reserve the ultimate authority to settle the numbering disputes which are expected to occur in the increasing competition for the numbers needed to provide competitive wireline services as well as existing and new wireless services interconnected to the public switched network. The use of advisory committees will allow it to do so since the committees are to be utilized "solely for advisory functions" and must look to the federal agency that charters them for policy guidance.³ Further, as stated above the Commission should leave to industry committees and standards bodies those decisions that do not require policy formulation or dispute resolution over number allocation.

The Commission tentatively concludes that the National Exchange Carriers Association ("NECA") could not effectively perform administrative functions at this time because of its

³ 5 U.S.C. appx. § 9.

close identification with the LEC industry. In its comments, NECA states that it may be premature to exclude it from consideration as a potential NANP administrator.⁴ NTCA agrees. It believes that the last two functions the Commission identifies, i.e., maintenance of number databases and processing applications for numbers, while related, can be separated from the policy-making and dispute-resolution functions. NECA, like other qualified candidates, should be allowed to compete for any contracts to provide this service.

⁴ NECA Comments at 14-16.

CONCLUSION

For the above stated reasons, NTCA recommends that the Commission utilizes the FACA and advisory committees established under that statute to assist in the policy-making and dispute-resolution functions of NANP administration. NTCA also recommends that the Commission consider NECA, as well as other entities, in deciding who should perform functions related to maintenance of number databases and processing applications.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Rita H. Bolden, certify that a copy of the foregoing Reply Comments of the National Telephone Cooperative Association in CC Docket No. 92-237 was served on this 30th day of June 1994, by first-class, U.S. Mail, postage prepaid, to the following persons on the attached list:

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